



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

COPY MAILED

MAR 20 2006

OFFICE OF PETITIONS

In re Patent No. 6,962,637	:	
Issued: November 8, 2005	:	LETTER REGARDING PTA AND
Application No. 09/934,694	:	NOTICE OF INTENT TO ISSUE
Filed: August 23, 2001	:	CERTIFICATE OF CORRECTION
Atty. Dkt. No.: 862.1329 DII	:	

This letter is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT," filed January 9, 2006. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Pat. No. 6,962,637 on November 8, 2005. The patent issued with a PTA of 187 days. Patentees, however, request review of the PTA determined for the instant patent and state that there appears to be an incorrect number of days determined for USPTO delay and/or for applicants' delay.

A review of the application history for the instant patent reveals that an adjustment of 299 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1).

The patent was previously accorded an adjustment of 11 days under 37 CFR 1.702(a)(4) and 1.703(a)(6). However, review of the application history reveals that the patent timely issued within four months of the date of receipt of the issue fee payment. The issue fee payment was received July 28, 2005 and the patent timely issued within four months on November 8, 2005. Accordingly, the adjustment of 11 days has been withdrawn.

Thus, adjustment of 299 days is properly reduced a total of 123 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

In view thereof, at the time of issuance, the application was entitled to 176 days of PTA.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 176 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,962,637 B2
DATED : November 8, 2005
INVENTOR(S) : Takeuchi, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 187 days

Delete the phrase "by 187 days" and insert – by 176 days--